

Notice of Allowability

Application No.

10/017,971

Examiner

Ted T. Vo

Applicant(s)

MASON, TIMOTHY E.

Art Unit

2191

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address--

All claims being allowable, PROSECUTION ON THE MERITS IS (OR REMAINS) CLOSED in this application. If not included herewith (or previously mailed), a Notice of Allowance (PTOL-85) or other appropriate communication will be mailed in due course. **THIS NOTICE OF ALLOWABILITY IS NOT A GRANT OF PATENT RIGHTS.** This application is subject to withdrawal from issue at the initiative of the Office or upon petition by the applicant. See 37 CFR 1.313 and MPEP 1308.

1. ☒ This communication is responsive to 05/09/06.
2. ☒ The allowed claim(s) is/are 1-17 and 19-32.
3. ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some* c) ☐ None of the:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this national stage application from the International Bureau (PCT Rule 17.2(a)).

* Certified copies not received: _____.

Applicant has THREE MONTHS FROM THE "MAILING DATE" of this communication to file a reply complying with the requirements noted below. Failure to timely comply will result in ABANDONMENT of this application.

THIS THREE-MONTH PERIOD IS NOT EXTENDABLE.

4. ☐ A SUBSTITUTE OATH OR DECLARATION must be submitted. Note the attached EXAMINER'S AMENDMENT or NOTICE OF INFORMAL PATENT APPLICATION (PTO-152) which gives reason(s) why the oath or declaration is deficient.
5. ☐ CORRECTED DRAWINGS (as "replacement sheets") must be submitted.
- (a) ☐ including changes required by the Notice of Draftsperson's Patent Drawing Review (PTO-948) attached
- 1) ☐ hereto or 2) ☐ to Paper No./Mail Date _____.
- (b) ☐ including changes required by the attached Examiner's Amendment / Comment or in the Office action of Paper No./Mail Date _____.
- Identifying indicia such as the application number (see 37 CFR 1.84(c)) should be written on the drawings in the front (not the back) of each sheet. Replacement sheet(s) should be labeled as such in the header according to 37 CFR 1.121(d).
6. ☐ DEPOSIT OF and/or INFORMATION about the deposit of BIOLOGICAL MATERIAL must be submitted. Note the attached Examiner's comment regarding REQUIREMENT FOR THE DEPOSIT OF BIOLOGICAL MATERIAL.

Attachment(s)

1. ☐ Notice of References Cited (PTO-892)
2. ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3. ☐ Information Disclosure Statements (PTO-1449 or PTO/SB/08), Paper No./Mail Date _____
4. ☐ Examiner's Comment Regarding Requirement for Deposit of Biological Material
5. ☐ Notice of Informal Patent Application (PTO-152)
6. ☐ Interview Summary (PTO-413), Paper No./Mail Date _____
7. ☒ Examiner's Amendment/Comment
8. ☒ Examiner's Statement of Reasons for Allowance
9. ☐ Other _____

Ted T. Vo
Primary Examiner

EXAMINER'S AMENDMENT

1. This communication is in response to the amendment filed on 05/09/06.

An examiner's amendment to the record appears below. Should the changes and/or additions be unacceptable to applicant, an amendment may be filed as provided by 37 CFR 1.312. To ensure consideration of such an amendment, it MUST be submitted no later than the payment of the issue fee.

2. Authorization for this examiner's amendment was given in a telephone interview with Harden Stevens, III, Attorney Reg. No. 55,649, on 07/20/06.

Examiner Amendment is given to amend Claim 28 to correct its improper dependency. Now claim 28 is dependent on Claim 25.

3. In the Claims filed on 05/09/06, amend the claim 28 as follows:

Claim 28 (Current Amended) The method of claim ~~28~~ 25, the emission detection further comprising:

detecting an optical signal emitted from the one component.

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Reasons for Allowance

4. The amendment and arguments filed on 05/09/06 have been considered.

Prior arts of record, Morrison et al, (EP No. 1 098 277 A2) (addressed to Claims 11-17, 19-20, and newly added Claim 32), and O'Brien et al (US Pat. No. 5,555,060) in view of Morrison et al (addressed to Claim 1-10, 21-31), remain the closest arts in searching.

(Note: an error was made in the prior Action to indicate the inventor of US No. 5,555,060 as "Gellner". Hereinafter: corrected as O'Brien)

5. Claims 1-17, 19-32 are allowed.

Morrison et al., prior art of record, discloses a convertible checkout system (addressing to the claims 11-17, 19-20, and now with newly added Claim 32). Morrison describes a position that converts between self-checkout mode and assisted mode and code entry device configured modes of operation (a) the retail personnel is positioned on the personnel side of the terminal base, and (b) the customer is positioned on the customer side of the terminal base.

However, record filed in the remarks, on 5/9/06, p. 11, addressed to independent Claims 11, and 17, Applicants point out Morrison does not show *moving a first component of a convertible checkout station to a position relative to second component of the convertible checkout station to generate a configuration signal that indicates a second physical configuration of the checkout station wherein movement of the first component changes the physical configuration of the checkout station*, as amended.

O'Brien, prior art of record, discloses a self calibrating actuator position control system, comprising an actuator for effecting a range of movement of an element, a portion of the movement range being controlled by a feedback control signal and includes a position sensor having a light source, a photo interrupter having a variable optical density pattern formed thereon and a photo detector for generating an output signal proportional to optical density of the photo interrupter.

The limitations in Claims 1-10, 21-31 are shown as 'a physical configuration actuator (now amended by adding "responsive to the physical configuration of the convertible checkout station"); a physical configuration signal generator responsive to the actuator to generate a signal identifying the physical configuration of the convertible checkout station'. The actuator position sensor as seen in O'Brien does not used for configuring to control a convertible checkout. In view of Morrison, it uses a computer code in associated with the positions of the convertible self-checkout.

However, record filed in the remarks, on 5/9/06, p. 11-12 (addressed to independent Claims 1-10, 21-31), Applicants addressed the references when combined must suggest combination, and must suggest all the elements of the claimed subject matter (remarks: first paragraph in 103 Rejection of claims 1 and 21 over O'Brien and Morrison). Applicants pointing out that O'Brien's actuator position control is for camera shutters, and Morrison is for a convertible checkout terminal that comprises bar code scanner, card reader, etc., Applicants points that there is no reason to combine.

Therefore, the following is an examiner's statement of reasons for allowance: The cited prior arts taken alone or in combination fail to teach claimed invention comprising the features as a whole, recited in such manners in independent Claims, 1, 11, 17, 21, and 32.

6. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Ted T. Vo whose telephone number is (571) 272-3706. The examiner can normally be reached on 8:00AM to 4:30PM.

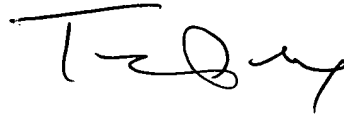
If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Wei Y. Zhen can be reached on (571) 272-3708.

The facsimile number for the organization where this application or proceeding is assigned is the Central Facsimile number **571-273-8300**.

Any inquiry of a general nature or relating to the status of this application should be directed to the TC 2100 Group receptionist: 571-272-2100. Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for

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unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

A handwritten signature in black ink, appearing to read 'Ted T. Vo', with a stylized, cursive script.

Ted T. Vo
Primary Examiner
Art Unit 2191
July 21, 2006